

CHANDLER POLICE DEPARTMENT GENERAL ORDERS



General Order F-10

By Order of

Approved As to Form

On File

On File

David Neuman, Acting Chief of Police Date

Police Legal Advisor

F-10 VEHICLES

100 PURPOSE

The purpose of this order is to define procedures to follow when investigating incidents involving vehicles.

200 POLICY

[61.4.1]

Incidents involving vehicles will be investigated according to departmental guidelines contained in this order and in GO F-07 General Investigative Procedures. Call outs from Criminal Investigations Section (CIS) and other specialties will be made according to guidelines also in GO F-07.

300 STOLEN VEHICLES

- A. Complete an Offense Report indicating the theft of a vehicle. Use a Vehicle Report (Tow Sheet) indicating the recovery of a vehicle. Field Operations will be responsible for preliminary investigation of stolen vehicles.
- B. Contact the registered owner.
- C. Take a report even though the person reporting the incident does not know the license and/or identification number.
- D. Make a reasonable effort to obtain the correct license and/or identification numbers, and the registered owner's name and address.
- E. Enter the vehicle into ACIC and NCIC when VIN or LIC are confirmed by sending an NICR request via the MDC which will automatically go to the dispatcher.
- F. Reporting officer ensures that the NCIC number is entered into the GTA report.

400 RECOVERED VEHICLES

[61.4.3]

A. Officers recovering stolen vehicles will:

1. Notify reporting agency, if not Chandler Police Department.
2. Request identification specialist to process the vehicle.
3. Contact the owner to come to the scene and claim the vehicle. If the owner of the vehicle cannot be contacted or cannot respond to the scene within 30 minutes, the officer shall tow the vehicle, adhering to the applicable guidelines in GO F-10.
 - a. The reporting officer shall make every attempt to notify the owner of the vehicle, documenting all attempts in the report. At a minimum, the officer should attempt to contact the owner by:
 - (1) Telephone
 - (2) In person (if the owner resides out of town, a request for assistance from the owner's local law enforcement agency should be made)
 - (3) Door hangers
 - (4) Neighbor contact
 - b. Records Unit personnel will send a registered letter to the owner of all stolen/recovered vehicles if the Chandler Police Department is the originating agency.
 - c. The reporting officer retains responsibility for notifying the owner of the recovered vehicle until all means of contacting the owner have been exhausted.
4. Ensure the vehicle is removed from ACIC/NCIC. By sending an NICC, the recovered stolen vehicle will be removed from ACIC/NCIC by a records clerk.

Special note: When the officer is unable to contact the registered owner and the recovered vehicle has to be towed, the officer should request that the vehicle be entered into ACIC as a "Stored Abandoned." This may be accomplished by sending a request to an information channel dispatcher via MDC.

5. Whenever stolen vehicles are located, officers will make a thorough investigation at the scene of the recovery to determine possible suspects, investigative leads, and fingerprints.

- B. Officers reporting the recovery of a stolen vehicle will:
1. Advise the Communications Center of the recovery and vehicle disposition (i.e., released to owner or impounded).
 2. Write a report on a supplemental report form using the same offense report number as the original stolen report if originally reported to this agency. The new offense report number, GTAR, shall be canceled by the investigating officer.
 3. Write an offense report if the vehicle was reported stolen in another jurisdiction and send a copy of the report to the agency of original jurisdiction.
- C. Officers reporting the recovery of a vehicle stolen in Chandler by another jurisdiction will:
1. Utilize the same offense report number for the recovery supplemental report as the original theft report.
 2. Officers will obtain as much investigative information as possible from the recovering agency for the report including information on the condition, value, and storage location of the vehicle. Officers will request a copy of the recovering agency's report.
 3. Request that the recovering agency attempt identification work on the vehicle.

500 ACCIDENTS

[61.2.2]

When a vehicle becomes disabled as a result of a traffic accident, the investigating officer will:

- A. Determine from the owner/driver which towing company is desired to remove the vehicle and request same.
- B. Have a contract tow truck dispatched and complete the tow report if the owner/driver expresses no special request.
- C. Inventory and have vehicle towed from the scene. A tow report must be completed if the owner/driver is incapacitated.

600 ARRESTS

- A. Seized vehicles may be placed in the fenced storage area at the Property and Evidence Building at 576 E. Pecos.

1. Obtain key to gate from Property and Evidence custodian or Police Records Unit.
 2. Back car into space. Do not block gates or garage door.
 3. Leave evidence tag attached to steering wheel.
 4. Lock car.
 5. Place car keys and property receipt in a property locker.
- B. When the driver of a vehicle is arrested, the driver may be given the following options:
1. Release the vehicle immediately to a responsible party of the driver's choice at the scene.
 2. Call a responsible person to come to the scene to take custody of the vehicle and to have it removed if response time is no more than thirty minutes.
 3. Move the vehicle from the roadway and lock the vehicle, leaving it at the scene with the driver's or owner's signature on the tow report form.
 4. Inventory and tow the vehicle and complete a tow report.
- C. Locking the vehicle and leaving it at the scene is subject to the following conditions:
1. The driver must be able to knowingly and intelligently make that decision. In cases involving impaired drivers (DUI), the officer shall take into account the driver's condition when making this decision and should be able to articulate the reason(s) for not towing the vehicle.
 2. The vehicle must be legally parked.
 3. The vehicle must be inventoried and items of high value placed into Property and Evidence storage.
 4. The tow report must be signed by the driver indicating the request to leave the vehicle at the scene.
- D. The officer will make clear to the driver that the department's responsibility ends when the vehicle is released to a third party or left at the scene. The officer will indicate in the report the option selected by the person arrested, and, if appropriate, the name and address of the person taking custody of the vehicle.

700 POLICE HOLD

"Police Hold" **may not** be put on any vehicle. To remain under police control, a vehicle must be seized for forfeiture or seized as evidence/instrumentality of a crime. A property receipt will be completed as with any other property/evidence.

800 POLICE STORAGE LOT

The vehicle may be held for processing at the Chandler Police Department storage lot for a maximum of five workdays. If not released to the owner after the five days, the vehicle must be towed to a commercial lot. Towing will be accomplished by the **same** tow company that originally towed the vehicle. If an officer drove the vehicle to the storage lot, the contract tow company will be called.

When a vehicle is to be released, it should be released back to the tow company so they can release it.

A. The investigating officer will:

1. Sign the key for the storage lot "In" and "Out" from the Records Unit.
2. Remain at the storage lot during the time the lot is unsecured.
3. Park the vehicle(s) in the designated spaces in the southwest corner of the storage lot.
4. Prepare a property receipt which includes name of the tow company and driver (if applicable) and the estimated amount of time the vehicle needs to be held.

B. The Property and Evidence custodian will:

1. Release the vehicles to owners after being provided proof of payment from the tow company if one was used.
2. Call the tow company if the vehicle is to be towed to a commercial lot.

900 NOTIFICATION REQUEST

[61.4.3]

- A. The officer may request that the tow company notify the Police Department immediately when anyone inquires about the vehicle if a vehicle has been towed for safekeeping after an arrest, accident, or similar situation and additional information on the driver/owner is needed. This request and justification for it must be noted on the tow report.
- B. The contracted tow company will be requested to demand identification before releasing a towed vehicle. This identification will include an Arizona driver's license or other picture identification, registration or proof of ownership, and a current address/telephone number.
- C. Any vehicle report containing a notification request must be assigned a follow-up investigation which is to be completed within seven days.
- D. Records and Logs
 1. Communications will maintain a tow log containing information on all vehicles towed by an officer.

2. The Records Unit will maintain copies of all tow sheets completed.
3. The impounding employee shall complete a property receipt for any vehicle stored by the Chandler Police Department. The property receipt will be held by the Property and Evidence Unit and a copy by the Records Unit.

1000 ABANDONED VEHICLES

[61.4.1] [61.4.3]

- A. All members of the department assigned to patrol duty between the hours of 6:30 AM and 9:00 PM are responsible for marking and reporting abandoned vehicles, and between the hours of 8:00 AM and 5:00 PM, for towing of abandoned vehicles. When an officer observes an abandoned vehicle in the aforementioned hours, the officer shall initiate the following action to ensure that it is removed from the street:
 1. Inspect the vehicle for registration or other owner identification, or run a registration check with Motor Vehicle Department. (MVD)
 2. Run a check on the license plate and vehicle identification number to determine if the vehicle has been reported stolen.
 3. Make an effort to locate the owner of the vehicle and explain the provisions of ARS 28-4801, 28-4834, and 28-4835.
- B. Citizen complaints or officers' on-view incidents of abandoned vehicle received between 9:00 PM and 6:30 AM will be handled as **Priority 3** calls, unless they pose a traffic hazard. The assigned officer will complete steps A.1 and A.2 only at that time. The officer conducting the follow-up investigation will ensure that A.3 has been completed prior to towing the vehicle.
- C. The officer will initiate the following action if the owner cannot be contacted, or if the owner refuses to comply with ARS 28-4801 and 28-4834 or 28-4835 immediately after being contacted.
 1. Place a **lumber crayon mark** on the vehicle's front tire which is nearest the center of the street. The mark shall be so placed that it will extend from the tire to the street, thereby establishing the exact position of the vehicle.
 2. Affix an "Unattended Vehicle Check" to the rear window of the abandoned vehicle or to the handlebars of a motorcycle.
 3. Begin a tow report and mark the ORIGINAL box on the top of the form. This will serve as the offense report for the abandoned vehicle.

- a. Request an OR number with the proper command if not an assigned call (on-view activity). Write the OR number on the "Unattended Vehicle Check".
 - b. Obtain and place the vehicle's odometer reading in the comments portion of the tow report form.
 - c. Document if the owner was contacted and the owner's response.
 - d. If this is an assigned call for service, make the proper disposition entry on the MDC. Include in the comments the odometer reading if the owner was contacted and what the owner's response was.
 - e. Check case status box only when final disposition can be given.
 - f. Make a photo copy of the report and turn the original and copy in to the shift sergeant.
- D. Shift sergeant will place the original in the abandoned vehicle file in the briefing room and will turn the copy in to the field operations staff. The field operations staff will maintain the copy until the case is closed.
- E. The Motorist Service Aides will have the primary responsibility for follow-up on abandoned vehicles, however, any officer may conduct the follow-up.
- F. Final Disposition
1. If vehicle is subsequently moved after being tagged, the officer will so note on the original tow report and will close out the report as **Exceptionally Cleared**.
 2. If, after 48 hours, the vehicle has not been moved, complete the tow report. Compare the odometer reading from the previous reading and request the vehicle be towed. The tow company will receive the yellow copy. The report will be closed.
 3. In either of the above cases (1 or 2), the officer shall turn in the original to the shift sergeant with the appropriate disposition. The shift sergeant will turn in the original to the Records Unit.
 4. Notify Communications to enter the vehicle as an abandoned vehicle

1100 VEHICLE IDENTIFICATION NUMBERS

- A. Vehicle Identification Numbers (VIN) are the only true means of determining ownership of vehicles and vehicle parts. VIN numbers will be checked and verified on all stolen or recovered vehicles.
1. Motor Vehicle Department Records-All United States made 1957 and later model vehicles are indexed at the Motor Vehicle Department (MVD) by VIN number. Foreign made vehicles are indexed by either motor number or serial number.

2. Altered VIN-If **any vehicle** is found with a serial or other identification number or markings that have been removed, defaced, obliterated or changed, officers may seize the vehicle after consulting the appropriate CIS investigator per ARS 28-2092.
3. Motorcycle Identification-When completing a report on a motorcycle, officers will make certain they list the correct license number from current registration lists.
 - a. Motorcycles are entered into NCIC by **frame number**, not engine number.
 - b. The frame number is considered the VIN and should be used when checking for ownership.

1200 TRAFFIC HAZARDS/DISABLED VEHICLES

[61.4.1] [61.4.3]

- A. Any vehicle or object which represents an immediate threat to safety (i.e., abandoned in roadway, blocking traffic) and for which the owner is not readily available will be removed or towed. The officer shall:
 1. Provide traffic control as required, inventory and tow without delay.
 2. Attempt to contact the owner and advise him of the reason for towing and the location to which the vehicle was towed
 3. Complete proper departmental reports.
 4. Notify Communications to enter the vehicle as an abandoned vehicle
- B. Officers who encounter stranded motorists will make every effort to assist and protect the motorist. Resources that may be used include the following:
 1. Request of contract tow services
 2. Motor clubs
 3. Taxi
 4. Other modes of transportation
 5. Other resources available to the officer, i.e.; changing a flat tire
 6. Marked units with push bars may be used to clear the travel portion of the roadway, protecting the vehicles involved.
 - a. Employees shall use discretion as to when to use the patrol car for the purpose of pushing other vehicles. If there is any doubt in the officer's mind concerning pushing a vehicle, he shall contact a supervisor.
 - b. Employees shall refuse to push a vehicle if to do so could result in damage to property or injury to persons. An employee shall not push another vehicle if he feels that the other driver cannot handle the vehicle safely.
 7. Volunteer motorist assistance

8. Officers may give a motorist a ride to the nearest location where assistance can be obtained. If the vehicle is in the roadway, the officer will assist in removing the vehicle from the roadway or ensure that traffic will safely avoid the vehicle. If the motorist requests that a contract tow truck be called to remove the vehicle, the officer will complete a vehicle report form (tow sheet) and note the reason for the tow on the form.
- C. When the assistance rendered to a stranded or disabled motorist is of an emergency nature, the officer will request the assistance needed (i.e. fire, medical or mechanical) and will remain with the motorist until assistance arrives or the emergency is taken care of. The officer may also render emergency first aid and fire suppression if required.

1300 PRIVATE PROPERTY REQUESTS

[6.4.1] [61.4.3]

Citizens requesting that officers tow vehicles from private property will be referred to the towing company of the citizens' own choice. This also applies to businesspersons removing vehicles from parking lots. Officers will not order, dispatch or recommend tow trucks for the above stated purposes.

1400 AUTHORIZED TOW TRUCKS

[61.2.2] [61.4.1]

Authorized tow trucks are only those which have been dispatched through the Communications Center or are present at an accident scene at the specific request of a driver or owner of one of the vehicles involved. Any other tow truck will not be allowed to remove damaged vehicles.

1500 UNAUTHORIZED TOW TRUCK

[61.2.2] [61.4.1]

- A. Any unauthorized tow truck which appears at an accident will not be allowed to solicit business from anyone involved in the accident.
- B. A tow truck that is under contract to a particular repair agency will be permitted to tow vehicles when a specific request is made for such a company to store or repair a vehicle.

1600 SELECTING A TOW TRUCK

[61.4.1] [61.4.3]

- A. Officers will not recommend any tow truck or body repair shop, nor will they allow themselves to become involved in selecting a location to which a disabled vehicle will be taken.
- B. When no tow truck preference is indicated, a contract tow truck will be utilized. After a contract tow truck has been dispatched, no other tow truck will be permitted to remove a vehicle for which the request was made unless canceled prior to hooking up by the owner/driver of the damaged vehicle.

- C. When requesting a tow truck for impound purposes, officers will advise the nature of the impound, and will provide a description of the vehicle.

1700 DELAYING REQUEST

When an accident scene cannot be cleared for a lengthy period of time, tow trucks will not be requested until the investigator is ready to release the vehicles. When an emergency exists and a vehicle must be moved for safety purposes prior to the arrival of the investigating officer, a tow truck may be requested immediately.

1800 STORING VEHICLES

Wrecked vehicles will be towed to either the location requested by the owner, to the tow truck's storage lot, or to the Police Department's impound garage/storage lot.

1900 CLEARING WRECKAGE

[61.2.2]

The responding tow company(ies) shall be responsible for the cleanup of debris at the scene of an accident investigated by the Chandler Police Department and to which they have responded. If a tow company is not called, the officer will ensure large portions of wreckage are removed from roadway.

2000 MANDATORY IMPOUNDS (ARS 28-3511)

- A. Starting August 12, 2005, officers shall impound vehicles for thirty (30) days if **all** of the following conditions exist:

1. The person's driving privilege is canceled, suspended, revoked, or, according to MVD records, the driver has never been issued a driver's license or permit and the person does not produce evidence of a driver's license issued by another jurisdiction, and
2. The person is not in compliance with the financial responsibility requirements, and
3. The person is driving a vehicle that has been involved in an accident that results in either property damage or injury to or death of another person

- B. Starting November 1, 2005, officers shall impound vehicles for thirty (30) days when **any** of the following conditions exist:

1. The person's driving privilege is revoked for any reason
2. The person's driving privilege is suspended because of a driving under the influence conviction
3. The person's driving privilege is suspended pursuant to MVD action based on a previous conviction for a violation of §28-3473(Driving while suspended or revoked, etc.)
4. The person's driving privilege is suspended pursuant to §28-3306(A)(3)(Frequent violator)

New

5. According to MVD records, the person has not ever been issued a driver license or permit, and the person does not produce evidence of a driver license issued by another jurisdiction
 6. The officer has probable cause to arrest the driver of the vehicle for a violation of §4-244(33)(Driving under the age of 21 with any alcohol in their system), §28-1382(Driving under the influence), or §28-1383(Aggravated driving under the influence)
- C. When an officer impounds a vehicle pursuant to ARS §28-3511, the officer shall serve a Notice of Impound on the driver at the scene of the impound if possible.
1. Officers will make a “stored abandoned” entry to Communications through MDC or CAD for the vehicle with an entry in the miscellaneous field of “30-Day Impound.”
 2. The officer will run **and print** the vehicle registration. If the driver is not the registered owner, a printed vehicle registration and a copy of the Notice of Impound will be placed in the door slot of the quartermaster’s office.
 3. Once each workday, patrol support personnel will prepare for mailing a copy of the Notice of Impound and the vehicle registration for each person with a registered interest and deliver them to the post office.
- D. Vehicles impounded pursuant to this provision shall be stored with the contract tow company unless the vehicle needs to be stored at Property and Evidence for investigative purposes. The officer shall give a copy of the Notice of Impound to the tow truck driver at the scene.
- E. An officer shall not cause the impoundment of a vehicle if:
1. **All** of the following apply:
 - a. The officer determines that the vehicle is currently registered and that the driver or the vehicle is in compliance with the financial responsibility requirements of chapter 9, article 4 of this title
 - b. The spouse of the driver is with the driver at the time of the arrest
 - c. The officer has reasonable grounds to believe that the spouse of the driver:
 - 1) Has a valid driver license
 - 2) Is not impaired by intoxicating liquor, any drug, a vapor-releasing substance containing a toxic substance or any combination of liquor, drugs, or vapor-releasing substances
 - 3) Does not have any spirituous liquor in the spouse’s body if the spouse is under 21 years of age
 - d. The spouse notifies the peace officer that the spouse will drive the vehicle from the place of arrest to the driver’s home or other place of safety

- e. The spouse drives the vehicle as prescribed by subdivision d. of this paragraph
- 2. The officer arrests a person under 21 years of age for a violation of § 4-244(33) and the vehicle is owned by the driver's parents; however, if the juvenile driver is arrested for a violation of §§28-1382 or 28-1383, the officer shall impound the vehicle.

SUMMARY OF CHANGES:

Add to Mandatory Impounds:

2000B5 According to MVD records, the person has not ever been issued a driver license or permit, and the person does not produce evidence of a driver license issued by another jurisdiction

2000C The officer will run and print the vehicle registration. If the driver is not the registered owner, a printed vehicle registration and a copy of the Notice of Impound will be placed in the door slot of the quartermaster's office.